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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,018	11/24/2003	Hannes Ekstrom	2380-790	9172
23117 7590 01/24/2007 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER DOAN, KIET M	
			ART UNIT 2617	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/719,018	EKSTROM ET AL.	
	Examiner	Art Unit	
	Kiet Doan	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-53** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schroderus (Pub. No. 203/0223381) in view of Shively (Pub. No. 2001/0039187).

Consider claims 1, 16, 25, 34, 45. Schroderus teaches a method for use in a communications system, comprising:

initiating a real-time, interactive communication from a first communications device and providing digital content information from a user of the first communications device for transmission to a second communications device Paragraph [0031, Fig.1 and Fig.2, Illustrate MS1 as read on first communications device for transmission to a second communications device as read on MS2) ;

establishing a real-time, interactive connection between the first communications device and the second communications device during a delay time associated with establishing the real-time, interactive connection;

compensating for the delay time associated with establishing the real-time, interactive connection (Abstract, Paragraphs [008-0013], [0025-0027], [0045].

Schroderus teaches the limitation of claims as discuss **but silent on** and

providing the digital content information to the second communications device over the established real-time, interactive connection such that, as a result of the delay time compensation, a user of the second communications device receives and can respond to the digital content information sooner than the second device user could without the delay time compensation.

In an analogous art, Shively teaches "Voice-response paging device and method". Further, **Shively teaches** and

providing the digital content information to the second communications device over the established real-time, interactive connection such that, as a result of the delay time compensation, a user of the second communications device receives and can respond to the digital content information sooner than the second device user could without the delay time compensation (Abstract, Paragraphs [0004-006], [0018-0020], [0023-0025], Fig.1, Illustrate and teach the paging device 3 as providing digital content information to the second communications device as read on 2a-2c).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Schroderus and Shively system, such that communication between two device in a digital content information with delay time compensation to provide means for the users received or transmitting without interruption wherein the users can talk and the other users can listen without delay.

Consider **claim 2, 45**. Schroderus teaches the method in claim 1, wherein at least one of the communications devices are mobile radio terminals (Fig.2, Illustrate

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MS1 and MS2 are mobile terminal).

Consider **claims 3, 5, 7-10, 17-20, 26-28, 35-38, 46, 53**. Shively teaches the method in claim 2, wherein the delay time includes the connection set-up time and a propagation time associated with sending the digital content information from the first communications device to the second communications device [Paragraphs [0004-006], [0015-0021], [0023-0025], Fig.1 Illustrate wherein content PSTN 5 as read on server, and the paging device 3 transmitting digital content information corresponds to speech information which compression occurs).

Consider **claims 4, 12, 21, 29, 31, 39-40, 47**. Shively teaches the method in claim 1, wherein the digital content information corresponds to speech information or non-speech information (Paragraphs [0018-0021], [0023]).

Consider **claims 6, 11, 24, 33, 48-53**. Shively teaches the method in claim 5, wherein the compensating includes determining an amount of information stored in a buffer waiting to be communicated to the second device user, and controlling the rate at which the information is played out of the buffer based on the determined amount [Paragraphs [0004-006], [0015-0021], [0023-0025]).

Consider **claims 13, 22, 30, 41**. Schroderus teaches the method in claim 1, wherein the real-time, interactive communication is an interactive video communication

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(Paragraphs0025)).

Consider **claims 14, 23, 32, 42**. Schroderus teaches the method in claim 1, wherein the digital content information corresponds to packets each having a packet header including a playout indicator, and wherein the compensating includes modifying the playout indicator in the packets to change the rate at which the packets are played out (Paragraphs [0011-0012], [0035] Fig.11 Illustrate and described the limitations).

Consider **claims 15, 43**. Shively teaches the method in claim 1, wherein the compensating includes determining an amount of information stored in a buffer waiting to be communicated to the second device user, and controlling the rate at which the information is played out of the buffer based on the determined amount (Paragraphs [0015-0016]).

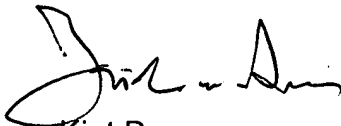
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863. The examiner can normally be reached on 8am - 5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kiet Doan
Patent Examiner


ERIKA A. GARY
PRIMARY EXAMINER